

July 08, 2015

Clerk, U.S. Bankruptcy Court



**United States Bankruptcy Court  
for the District of Oregon**

**Thomas M. Renn, Judge**  
Virginia H. Denney, Judicial Assistant  
Howard J. Newman, Law Clerk

405 East Eighth Avenue, Suite 2600  
Eugene, Oregon 97401

(541) 431-4050

July 8, 2015

Michael Patrick Burke  
Sheila Frances Burke  
91487 Main Lane  
Coquille, OR 97423

RE: BURKE, Michael Patrick & Sheila Frances; Bankruptcy Case No. 15-61717-tmr7  
Objection to Notice That Debtor Is Ineligible For Discharge

Dear Mr. and Mrs. Burke:

I have reviewed your objection to the Court's notice that debtor is ineligible for discharge. The record indicates that Mrs. Burke (fka Sheila Spath) received a discharge under Chapter 7 of the Bankruptcy Code on June 30, 2008, in Case No. 08-23237 filed in the U.S. Bankruptcy Court for the Eastern District of California on March 18, 2008. This was within eight (8) years of the present case's filing. Your objection indicates that Mrs. Burke mistakenly thought eight (8) years had lapsed between filings.

As you'll recall we discussed this matter at the June 10, 2015, hearing on your application to waive filing fees, where Mrs. Burke acknowledged her prior discharge. While I am sympathetic to your financial circumstances, I cannot sustain your objection. Unfortunately, § 727(a)(8) of the Bankruptcy Code does not allow an exception for hardship or exigent circumstances. An order will therefore be entered overruling your objection and denying your Chapter 7 discharge.

Whether or not your case will be dismissed, as Mrs. Burke requested at the June 10, 2015 hearing, will be addressed at an August 12 hearing on the Court's Order to Show Cause, a copy of which is being mailed along with this letter. If the case is dismissed, the order denying your discharge will be moot.

I urge you to seek legal counsel in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas M. Renn", is written over a horizontal line.

THOMAS M. RENN  
Bankruptcy Judge

TMR:vhd

cc: Mr. Ronald Becker, Office of the U. S. Trustee, via ECF  
Ms Vanesa Pancic, Trustee, via ECF